

183 Christopher Campanella
184 309 Phillips Rd
185 Valley Falls NY 12185

186 UNITED STATES DISTRICT COURT
187 NORTHERN DISCTRIC OF NEW YORK
188

Christopher Campanella

Plaintiff,

vs.

Aurora Loan Servicing

Defendant

Case# 10-CV-0684-LEK-DRH

**MOTION FOR RULE 11
SANCTIONS**

Date: August 30th, 2010

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190 PLAINTIFF'S MEMORANDUM IN

191 SUPPORT OF MOTION FOR RULE 11 SANCTIONS

192 Plaintiff asks the court to impose sanctions against Royston Memdoza, counsel for
193 Defendant, hereinafter referred to counsel for Defendant, for filing Defendants Answer in
194 violation of Federal Rule of Civil Procedure 11(b).

195 A. Introduction

196 1. Plaintiff is Christopher Campanella, Defendant is Aurora Loan Servicing .

197 2. Plaintiff sued defendant for numerous violations including but not limited to violations
198 of the Truth In ending Act, The Real Estate Settlement Procedures Act, The Home equity
199 Protection Act, Fraud, Common law Fraud, Breach of Fiduciary duties, .Et Al.

200 3. On August 12th counsel for Defendant filed defendants answer.

201 B. Argument

202 5. The court may impose sanctions on a party, an attorney, or a law firm, for presenting a
203 pleading, written motion, or other paper for an improper purpose, such as to harass or cause

204 unnecessary delay or expense. Fed. R. Civ. P. 11(b)(1), (c)(1). Also, the court may impose
 205 sanctions on a party, an attorney, or a law firm, for presenting a pleading, written motion, or
 206 other paper that includes any of the following: (1) claims, defenses, or contentions not
 207 warranted by existing law or by a good-faith argument for extending, modifying, or reversing
 208 existing law or for establishing new law; (2) allegations that do not have, or are unlikely to have
 209 after a reasonable investigation, evidentiary support; or (3) denials unwarranted by the evidence.
 210 Fed. R. Civ. P. 11(b)(2)-(4), (c)(1).

211 6. counsel for Defendant's filing of "Defendants Answer" violated Rule 11 because
 212 counsel for Defendant filed the document for an improper purpose, such as to harass, cause an
 213 unnecessary delay, or needlessly increase the cost of litigation. Fed. R. Civ. P. 11(b)(1);
 214 *Mercury Air Group, Inc. v. Mansour*, 237 F.3d, 542, 548 (5th Cir. 2001). Attorney makes
 215 specious allegations that claims are stated improperly, claims are time barred due to limitation on
 216 statutory procedure, and that the court lacks jurisdiction over the Defendant. Plaintiff filed
 217 multiple causes of action upon which relief can be stated, and this motion offered by attorney is
 218 a kneejerk reaction to having not read and understood the suit n its entirety. This is seemingly a
 219 waste of time, and intentionally done to cause unnecessary delay, and cost to the Plaintiff.

220 7. Before imposing sanctions, the court should determine whether the party or the attorney
 221 made a reasonable inquiry into the facts or the law before signing and presenting the document.
 222 See Fed. R. Civ. P. 11(b); *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1364-65 (9th
 223 Cir. 1990). The court should impose sanctions against counsel for Defendant because he did not
 224 make a reasonable inquiry into the facts or law before filing the answer. He offered specious
 225 logic with intent to make the court fall for a smoke and mirror routine, and then blame the
 226 allegations of the Plaintiff as being caused by the plaintiff. This is an egregious step in the civil
 227 action taken against his client, with intent to bring some sort of validity that a Pro Se cannot offer
 228 any reasonable pleadings to the Defendant.

229 8. The court should impose the following sanctions: Monetary Sanctions, and Striking Of
 230 Pleadings of the defendant. The requested sanctions are sufficient to deter repetition of the
 231 sanctionable conduct. Fed. R. Civ. P. 11(c)(4); *Fries v. Helsper*, 146 F.3d 452, 458-59 (7th Cir.
 232 1998). Plaintiffs suit makes very strong claims and allegations, which can be proved through
 233 discovery, and demands that his complaint be taken seriously. Counsel for Defendant failed to
 234 address the suit with specificity, and by the court allowing sanctions in this case, the counsel will
 235 take the case with serious intention.

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C. Conclusion

238 9. Defendants answer failed to address with specificity, as to why the defenses counsel for
239 Defendant used, were valid. They are wasting the time of the Plaintiff and the Court, and are
240 shadowing the seriousness of the case at hand. For these reasons, Plaintiff asks the court to
241 impose sanctions of a monetary amount to be determined by the court, and a Striking of
242 Defendants answer in its entirety.

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244 **Respectfully Submitted,**



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247 Christopher Campanella

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VERIFICATION

272 I, Christopher Campanella, do swear and affirm that all statements made herein are true and
273 accurate, in all respects, to the best of my knowledge.

274 Christopher Campanella
275 309 Phillips Rd
276 Valley Falls, NY 12185
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278 SWORN TO AND SUBSCRIBED BEFORE ME, Jill Walsh, by Christopher Campanella,
279 _____, on the 31st day of August, 2010, which witnesses my hand and seal of office.

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282 JILL S. WALSH
No. 01WA5056072
Notary Public, State of New York
Qualified in Rensselaer County
My Commission Expires 8/26/14
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Jill Walsh
NOTARY PUBLIC IN AND FOR
THE STATE OF NEW YORK

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CERTIFICATE OF SERVICE

307 I, Christopher Campanella, do swear and affirm that I have served a signed copy of this
308 Response to Rule 12 motion & Motion For Sanctions to any and all defendants by way of
309 U.S.P.S. Certified mail # 70092820000258493234 and return receipt, regular mail, and ~~via~~
310 facsimile # , and noticed by telephone On the 31st day of August,
311 2010..



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315 Christopher Campanella
316 309 Phillips Rd
317 Valley Falls NY 12185
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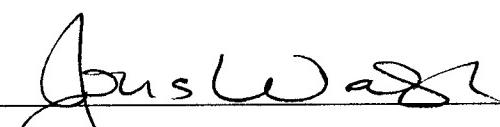
319 The Person above, who proved to me on the basis of satisfactory evidence to be the person
320 whose name is subscribed to this document and acknowledged to me that he/she executed the
321 same in his authorized capacity and that by his signature on this instrument who is the person
322 who executed this instrument.

323 I certify under PENALTY OF PERJURY under the laws of this State that the foregoing
324 paragraph is true and correct.

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326 Witness my hand and official seal.

JILL S. WALSH
No. 01WA5056072
Notary Public, State of New York
Qualified in Rensselaer County
My Commission Expires 21/26/14



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329 **NOTARY PUBLIC IN AND FOR**
330 **THE STATE OF NEW YORK**
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Notary Seal